

**Sean Griffin**

**From:** Harold Cook <hc@haroldcook.com>  
**Sent:** Tuesday, January 25, 2011 2:32 PM  
**To:** Amber Hausenfluck; Steve Scheibal; Ray Martinez; Debra Gonzales; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever\_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith  
**Subject:** follow-up on Zaffirini's identity issue

Senator Zaffirini did an excellent job pointing out how people's drivers license photo often does not resemble the actual people. Here's related documentation:

Begin forwarded message:

**From:** Yannis Banks <yannis\_banks@yahoo.com>  
**Date:** January 25, 2011 2:27:02 PM CST  
**To:** hc@haroldcook.com  
**Subject:** Fw: Blank 33

----- Forwarded Message -----

**From:** Gary Bledsoe <garybledsoe@sbcglobal.net>  
**To:** "Asaka, Anson" <aasaka@naacpnet.org>  
**Cc:** Robert S. Notzon <robert@notzonlaw.com>; Yannis Banks <yannis\_banks@yahoo.com>; Harold Howell <harold17@swbell.net>; "H. Jefferson" <hjefferson@protectorsinsurance.com>; brian rowland <browland3@hotmail.com>; "Goode, Victor" <vgood@naacpnet.org>; victor goode <vlg0208@aol.com>; Mrs. Linda Lydia <lydia@sbcglobal.net>; Phyllis L. Jones <twainch@earthlink.net>; "Watkins, Carmen" <cwatkins@naacpnet.org>; Carolyn Scantlebury <cscantle01@earthlink.net>; John Tanner <john.k.tanner@gmail.com>  
**Sent:** Tue, January 25, 2011 2:23:47 PM  
**Subject:** Re: Blank 33

**Race, Racism and the Law**  
**Speaking Truth to Power!!**

## Why are Cross-Racial Eyewitness IDs Especially Unreliable?

Checkout: [Reclamationgallery.com](http://Reclamationgallery.com)

Complete Survey: [Race Relations 2011](http://RaceRelations2011.com)

Gary Bledsoe

### UNITS

Institutional Racism

01 Race

02 Citizenship Rights

03 Justice

**John P.  
Rutledge**

excerpted from: John

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### CHAPTERS

Justice and Racism

2:13-cv-193  
09/02/2014

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exhibitsicker.com

[04 Basic Needs](#)[05 Intersectionality](#)[06 Worldwide](#)**Web Editor****Vernellia R.****Randall**Professor of Law  
The University of  
Dayton**OTHER WEBSITES**[Personal Website](#)[Race and Health Care](#)[Legal Education](#)[The JD Project](#)**P. Rutledge, They All**Look Alike: the  
Inaccuracy of Cross-  
racial Identifications ,  
28 American Journal  
of Criminal Law 207-  
228, 211-214 (Spring  
2001)(173 Footnotes  
Omitted)In general, there is  
a much greater  
possibility of error  
where the races  
are different than  
where they are the  
same . . . .A cross-racial ID  
occurs when an  
eyewitness of one  
race is asked to  
identify a  
particular  
individual of  
another race. The  
last half-century's  
empirical study of  
cross-racial IDs  
has shown that  
eyewitnesses have  
difficulty  
identifying  
members of  
another race,  
though the degree  
to which this  
difficulty affects  
the accuracy of an  
eyewitness ID is[Presidential Power](#)[Civil Justice](#)[Criminal Justice](#)[Laws and Policies](#)[Minority Group Interests](#)[Legal Education](#)[Practice of Law](#)[Alternative Dispute Resol](#)**OTHER PAGES**[What's New](#)[Obama's Administration](#)[Webinars](#)[Whitest Law Schools](#)[Law Reviews](#)[Newsletter](#)[Racial Surveys](#)[Awards](#)[Syllabus](#)[Comments](#)[Search this Site](#)[Contact](#)

not certain.  
Likewise, it is  
unclear whether  
all races are  
affected.

Known as the  
"own-race" effect  
or "own-race"  
bias, eyewitnesses  
experience the  
"cross-racial  
impairment" when  
attempting to  
identify  
individuals of  
another race. The  
"own-race effect"  
is "strongest when  
white witnesses  
attempt to  
recognize black  
subjects," and  
apparently less  
influential to black  
witnesses. In fact,  
four separate  
studies found that  
black  
eyewitnesses do  
not experience  
any cross-racial  
impairment. And  
another found  
that blacks make  
better witnesses in  
general. But five  
other studies

found that white  
eyewitnesses  
simply experience  
the impairment  
more often than  
blacks. Regardless  
of the degree to  
which each race  
suffers from the  
impairment, a  
leading scholar on  
the subject has  
concluded that "it  
has been observed  
so many times"  
that "it seems to  
be a fact."

Concern about the  
frequent  
inaccuracy of  
cross-racial IDs is  
extensively  
documented in  
case law and  
social science  
data. And some  
judges believe the  
cross-racial  
nature of an  
identification may  
affect accuracy in  
the same way as  
proximity to the  
perpetrator and  
poor lighting  
conditions. As one  
federal judge